

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

HERBERT L. CAMPBELL,

Petitioner,

vs.

SCOTT R. FRAKES, et al;

Respondent.

**4:22CV3210**

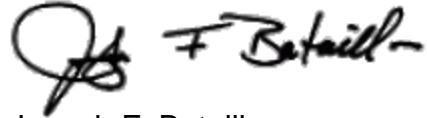
**MEMORANDUM AND ORDER**

On October 17, 2022, the Court advised Petitioner that it would construe his "Notice of Appeal (Civil)," [Filing No. 1](#), as a petition for writ of habeas corpus under [28 U.S.C. § 2254](#) if he did not voluntarily withdraw his petition within 30 days and directed Petitioner to file an amended petition for writ of habeas corpus if he decided to allow this action to proceed as one brought pursuant to [28 U.S.C. § 2254](#). [Filing No. 8](#). Furthermore, the Court advised Petitioner that if he failed to respond to the Court's October 17, 2022 Memorandum and Order or file an amended petition within 30 days, then this matter would be dismissed without prejudice and without further notice. To date, Petitioner has not filed an amended petition or taken any other action in this matter.

IT IS THEREFORE ORDERED that the Petition for Writ of Habeas Corpus, [Filing No. 1](#), is denied and dismissed without prejudice. No certificate of appealability has been or will be issued. A separate judgment will be entered.

Dated this 8th day of December, 2022.

BY THE COURT:



Joseph F. Bataillon  
Senior United States District Judge